

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

---

**WILLIE SIMPSON,**

Petitioner,

**-vs-**

**Case No. 15-C-986**

**WILLIAM POLLARD,**

Warden of Waupun Correctional Institution,

Respondent.

---

**DECISION AND ORDER**

---

By an order entered on August 20, 2015, and a judgment entered on August 21, 2015, this Court dismissed pro se Petitioner Willie Simpson's ("Simpson") petition for a writ of habeas corpus challenging his 2000 conviction by the Milwaukee County Circuit Court in Case No. 99CF4849, *see State v. Simpson*, 646 N.W.2d 855 (Wis. App. Ct. April 16, 2002) (unpublished), for lack of jurisdiction because it is a successive challenge to the same conviction. *See Simpson v. Kingston*, No. 02-C-1100 (E.D. Wis. July 18, 2003), cert. appealability denied, No. 03-3171 (7th Cir. Nov. 21, 2003).

Simpson subsequently filed a motion to stay review of his petition pursuant to Rule 4 of the Rules Governing § 2254 Cases in the District Courts because he simultaneously filed an application with the Court of

Appeals pursuant to 28 U.S.C. § 2244(b)(3)(B) for a determination as to whether the district court has jurisdiction to review the claims raised in the instant action. (ECF No. 8.)

Section 2244(b)(3)(A) states that “**before** a second or successive application permitted by this section **is filed in the district court**, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.” Simpson did not follow the procedure required by § 2244(b). At this juncture, the action has been dismissed for lack of jurisdiction and there is no Rule 4 review to stay. Therefore, Simpson’s motion to stay is denied.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS  
HEREBY ORDERED THAT:**

Simpson’s motion to stay (ECF No. 8) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 25th day of August, 2015.

**BY THE COURT:**

  
**HON. RUDOLPH T. RANDA**  
**U.S. District Judge**